

Remarks

I. Status of the Application

Upon entry of the foregoing amendment, claims 1-41 are currently pending in the application, with claims 1, 11, 19, and 29 being independent claims. Claims 1, 4-5, 9, 19-23, 25, 29-33, and 35 are amended.

II. Amendments to the Abstract

The Abstract has been objected to for having an improper format. The Abstract has been amended as shown above, and is now believed to be in the proper format.

III. Claim Rejections -- 35 USC § 112

Claims 19 and 29 have been rejected under 35 U.S.C. 112 as being allegedly incomplete for omitting essential structural cooperative relationships of elements. Claims 19 and 29 are amended. Amended claims 19 and 29 both recite a “processor” and an “interface coupled to the processor.” Therefore, it is respectfully requested that the present rejection is no longer applicable and should be withdrawn.

IV. Claim Rejections -- 35 USC § 102

Claims 1-41 have been rejected under 35 USC § 103(e) as being allegedly anticipated over U.S. Patent No. 7,051,002 (“Keresman”). Claims 1, 4-5, 9, 19-23, 25, 29-33, and 35 are amended and the rejection is respectfully traversed.

Keresman discloses a centralized merchant processing system for authenticating payments and facilitating the processing of electronic transactions by a merchant. (Col. 4, lines 45-53). A “thin-client” device located at the merchant’s site obtains information relating to a

transaction, and the transaction details are sent by the thin-client to a merchant authentication processing system (“MAPS”) located at a central location (not at the merchant’s site). (Col. 5, lines 22-65). The thin-client communicates transaction data elements such as card-number, transaction amount, etc., to MAPS system. (Col. 6, lines 21-24). The thin-client is not aware of the specific processing logic or protocols prescribed for each payment authentication initiative. (Col. 6, lines 24-26). The thin-client does not hold any payment authentication specific business process logic. (Col. 6, lines 51-52).

Upon receiving payment information from a thin-client, the MAPS system determines the type of payment instrument being used based on the payment information. For example, the MAPS may determine which payment processing network a credit card belongs to from the card number. (Col. 10, lines 7-11). After determining the payment instrument type, the MAPS system authenticates the consumer. (Col. 9, lines 47-50).

The MAPS system, which is located in a central location and not at the merchant’s site, includes a “message distribution layer 220” which is configured to route messages (received from merchants’ thin-clients) to specific plug-in components for appropriate transaction processing. (Col. 8, lines 8-21, 38-46). The MAPS system further includes a plurality of individual authentication initiative plug-in components that “listen” to the message distribution layer 220 for a specific message type. (Col. 8, lines 47-50). The respective plug-in component is activated by the message distribution layer 220 that sends messages to the specified component based on the type of payment instrument being used for the transaction. (Col. 8, lines 50-53).

Keresman does not discuss transaction settlement.

Amended Claims 1 and 19

Amended independent claim 1 defines a method for processing an electronic payment transaction. Claim 1 has been amended to require “receiving, by a processor located at a merchant site, a request to process an electronic payment transaction from at least one payment terminal located at the merchant site, the request having a format type.” Claim 1 has been further amended to require “determining, by the processor, the format type of the request,” and “identifying, by the processor, a host computer configured to process the determined format type.” Amended claim 1 also requires “transmitting the request to the identified host computer.” Independent claim 19 is a system claim corresponding to claim 1, and has been amended in a similar manner. Support for the amendments to claims 1 and 19 is found at pages 6-7 and 10-13, for example.

System claims 19-23 and 25 have also been amended to replace the language “a processor for” by “a processor configured to,” and the language “an interface for” by “an interface configured to,” to avoid any inference that the limitations should be interpreted as means-plus-function limitations. These amendments broaden the scope of the claim.

Keresman does not teach or suggest receiving a request to process an electronic payment transaction from a “payment terminal located at the merchant site” and determining, by a “processor located at a merchant site,” “the format type of the request,” as required by amended claim 1, or a system configured to do so, as required by amended claim 19. In Keresman, all processing of the request, including any analysis of the request’s format type, is performed by the MAPS system, which is located at a centralized location.

None of the other cited art teaches or suggests these limitations, either. Therefore, amended claim 1 and its dependent claims (2-10), and amended claim 19 and its dependent claims (20-28) are patentable over the cited art.

Amended Claims 11 and 29

Independent claim 11 defines a method for settling a plurality of electronic payments. Claim 11 requires “requesting from a terminal information relating to settlement of the plurality of electronic payments,” and “receiving at least one respective data packet having settlement information for each payment of said plurality of electronic payments.” Claim 11 also requires “determining the format type of each respective data packet,” “identifying a host computer configured to process the determined format type of each respective data packet,” and “transmitting each respective data packet to the identified host computer, wherein the identified host computer is configured to process the format type of said each respective data packet.” Independent claim 29 is a system claim corresponding to claim 11, and as amended contains limitations similar to those of claim 11. Support for the amendments to claims 11 and 29 is found at pages 6-7, 10-13, and 20-23, for example.

System claims 29-33 and 35 have also been amended to replace the language “a processor for” by “a processor configured to,” and the language “an interface for” by “an interface configured to,” to avoid any inference that the limitations should be interpreted as means-plus-function limitations. These amendments broaden the scope of the claim.

As stated above, Keresman does not teach or suggest settling a transaction. While Keresman discloses “authenticating” electronic transactions, the Applicant respectfully points out that authenticating and settling a transaction are two very distinct activities. Therefore,

Keresman does not teach or suggest the combination of claim 11 or that of amended claim 29.

For example, Keresman does not teach or suggest “requesting from a terminal information relating to settlement of the plurality of electronic payments,” and “receiving at least one respective data packet having settlement information for each payment of said plurality of electronic payments,” as required by amended claim 1, or a processor configured to do so, as required by amended claim 29.

None of the other cited art teaches or suggests these limitations, either. Therefore, amended claim 11 and its dependent claims (12-18), and amended claim 29 and its dependent claims (30-41) are patentable over the cited art.

V. Conclusion

In view of the foregoing, each of claims 1-41 is believed to be in condition for allowance. Accordingly reconsideration of the claims and allowance of the application are respectfully requested.

Respectfully submitted,
Kaye Scholer LLP

Dated: January 22, 2007

By: 

Jonathan Tyler
Reg. No. 52,308

MAILING ADDRESS
KAYE SCHOLER LLP
425 Park Avenue
New York, New York 10022
Tel: (212) 836 - 8000



PATENT
23122-1014

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): D. J. Sanchez

Serial No.: 10/799,254

Group Art Unit: 3624

Filed: March 12, 2004

Examiner: T. T. Havan

For: METHOD AND SYSTEM FOR PROCESSING ELECTRONIC PAYMENT
TRANSACTIONS

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF EXPRESS MAILING

Sir:

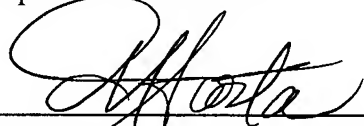
I hereby certify that the following documents are being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" under 37 CFR §1.10 on the date shown below with sufficient postage in an envelope addressed to Commissioner for Patent, P. O. Box 1450, Alexandria, VA 22313-1450:

1. Amendment;
2. Amendment Transmittal; and
3. Return receipt postcard.

Maritza Acosta
Name of Person Mailing

January 22, 2007
Date of Deposit

EV 395056938 US
Express Mail Number


Signature of Person Mailing Paper